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To: 9-NPRM-CMTS
Priority: Normal
Subject: Fw: Problem With Proposed FAR 105.21

OFFICE OF THE
CHIEF COUNSEL
RULES DOCKET

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> Section 105.21 Parachute Operations Over or Into a Congested area or an Open Air Assembly of Persons

> This proposed section contains provisions currently found in
> section 105.15 and contains one change. The FAA proposes to remove the
4-day requirement to apply for a certificate of authorization since the
administrative time necessary to process such requests has been reduced.

>
> PLEASE DO NOT REMOVE THE 4-DAY REQUIREMENT.

>
> As indicated, the proposal suggests that less than 4 days should be
> required to process these requests. The RESULT of this change, however
WILL BE THAT 45 DAYS ARE REQUIRED.

> Sec. 105.21 Parachute operations over or into a congested area or an
open-air assembly of persons.

> (a) No person may conduct a parachute operation, and no pilot in
> command of an aircraft may allow a parachute operation to be conducted
from that aircraft, over or into a congested area of a city, town, or
settlement, or an open-air assembly of persons unless a certificate of
authorization for that parachute operation has been issued under this
section. However, a parachutist may drift over a congested area or an
open-air assembly of persons with a fully deployed and properly functioning
parachute if that parachutist is at a sufficient altitude to avoid creating
a hazard to persons or property on the surface.

> (b) An application for a certificate of authorization issued under
> this section must--

> (1) Be made to the local FSDO in a form and in a manner prescribed by
the Administrator, and

> (2) Contain the information in section 105.15(a) of this part.

>
> THE "MANNER PRESCRIBED BY THE ADMINISTRATOR" is on FAA form 7711-2.
Instructions on that form, the same form used for airshow authorizations,
clearly specifies "45 days prior to the requested date of the event."

>
> I perform at skydiving exhibitions all over the US. I have
> received hundreds of Certificates of Authorization from FAA
> Flight Standards District Offices (FSDO's) all over the US as well. I
believe that NONE of those offices and NONE of the
> processing inspectors will recommend approval of an application submitted
less than 4 days prior to an event. I believe they will unanimously
believe
in the 45-day rule imposed by FAA Form 7711-2 if the proposed change takes
effect.

>
> The effect of this change will INCREASE, not decrease the work load on
the
inspectors and the applicants, and decrease the effective safety the system
is designed to promote.

> Special events, other than airshows, that employ skydivers are not
aviation events. The events may not even exist 45 day prior to their
scheduled dates. Even when they are planned well in advance, the details
which affect the safety of the parachute operation are among the last to be
finalized. That is: where, exactly, will the landing take place and what

will be its surroundings and audience proximity? These are the details the inspectors need to evaluate our ability to comply with the regulations. We just don't have meaningful information to submit to the FSDO until very close to showtime. So an application submitted 45 days prior is sure to require changes and updates that will negate work already accomplished by the inspector and the applicant. In other words, we'll do it over and over again.

>

> > Please do not remove the 4-day requirement which now exists in FAR 105.15(b). The change will be counterproductive and costly to the FAA and to the public.

>

> Sincerely,

>

> Joel Zane

> Airborne, Inc.

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